

# ANMAC Privacy Policy

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This document is online at [www.anmac.org.au](http://www.anmac.org.au)

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# Privacy Policy

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## Introduction

### Background

The Australian Nursing and Midwifery Accreditation Council (ANMAC) is the independent accrediting authority for nursing and midwifery under the National Registration and Accreditation Scheme (NRAS).

ANMAC sets the standards for accreditation for nursing and midwifery education programs and accredits programs leading to registration or endorsement in Australia. It therefore plays a key role in advancing the safety of the community by promoting high standards of nursing and midwifery education.

Further, ANMAC is an assessing authority for the Australian Department of Immigration and Citizenship (DIAC). ANMAC conducts assessments of the qualifications of registered nurses and midwives who intend to migrate to Australia under the General Skilled Migration category. Through this process, ANMAC determines whether registered nurses and midwives are suitable for migration or whether they may need to undertake further education in order to be eligible for migration in the specified skill category.

ANMAC is governed by the ANMAC Board which has established Board Committees and working groups for specific purposes in accordance with its objectives. These Committees and working groups assist ANMAC to fulfil its strategic goals and to meet its legal obligations.

The following policy applies to ANMAC, the ANMAC Board and its Board Committees and associated working groups.

## ANMAC and the Application of the *Privacy Act 1988 (Cth)*

ANMAC undertakes the function of accreditation of nursing and midwifery programs and providers in accordance with the *Health Practitioner Regulation National Law Act 2009 (ACT)*, as enacted in each State and Territory (the National Law). Please find the National Law at <http://www.legislation.act.gov.au/>

Section 213 of the National Law applies to the Privacy Act 1988 (Cth) (the Privacy Act). Please find the Privacy Act at <http://www.comlaw.gov.au/>.

## Application of National Privacy Principles

According to the National Law, ANMAC is required to comply with the National Privacy Principles (NPP) from Schedule 3 of the Privacy Act.

### Scope and Purpose of ANMAC's Privacy Policy

The Purpose of this policy is to ensure that ANMAC's practices with respect to the collection, use, disclosure and storage of personal information are open and transparent in accordance with National Privacy Principle 5 ("Openness") of the Privacy Act, and that members of the public are aware of their rights under the Privacy Act in relation to the management of personal information by ANMAC.

Personal information is defined in section 6 of the Privacy Act and means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

## Collection of Personal Information

### Information collected

ANMAC only collects personal information in the course of performing its functions under the National Law and those functions delegated to it by the National Law. ANMAC collects personal information only when it is necessary for one or more of its functions or activities.

ANMAC's functions include, but are not limited to:

- Development of accreditation standards for nursing and midwifery programs leading to registration or endorsement in Australia
- Accreditation of Australian nursing and midwifery programs leading to qualifications that enable registration or endorsement as a nurse or midwife
- Accreditation of Australian education providers of nursing and midwifery programs leading to registration or endorsement
- Assessment of internationally qualified nurses and midwives for the purposes of permanent migration
- Development, review and provision of policy advice on matters relating to the accreditation of nurses and midwives and their migration to Australia pursuant to the General Skilled Migration category.

Types of personal information which may be collected by ANMAC and which are necessary for ANMAC to carry out its functions under the National Law include:

- First names and surnames
- Contact information including addresses and phone details
- Age and gender
- Educational qualifications
- Information relating to employment

ANMAC may also need to collect the following sensitive information to carry out its functions:

- Health information
- Membership of professional organisations
- Nationality
- Criminal convictions (if applicable)

### Information collected over the internet

If you visit our main website [www.anmac.org.au](http://www.anmac.org.au) or our extranet to read or download information, the following information will be recorded for statistical purposes:

- Your server address and associated country
- Your top level domain name (for example .gov, .com, .edu, .org, .au, .nz)

- The pages accessed and the documents downloaded
- The search terms used
- The date and time the site was visited
- The previous site visited
- The relevant operating system (for example Windows, Mac)
- The type of browser used (for example Internet Explorer)

### Cookies

Cookies are pieces of information that a website can transfer to an individual's computer. These can be used to help personalise a website, manage visitor sessions or collect website use data. ANMAC uses cookies to set accessibility preferences and to help collect website use and traffic data. Your web browser can be set to reject cookies or to prompt you each time a website wishes to add a cookie to your browser.

ANMAC uses Google Analytics to collect this information. To opt out of this service please install the Google Analytics Opt-out browser [add on](#) for your web browser. If you visit the ANMAC website and use an online form ANMAC may collect further information as it relates to Sources of Information (please see following section).

### Sources of information

We collect personal information as part of our ordinary function. Personal information is information or an opinion about an individual whose identity is apparent from the information.

The types of personal information we collect in supplying our services include (but are not limited to) contact details, educational qualifications, employment information, and some sensitive information such as membership of professional organisations.

Where reasonable and practicable to do so ANMAC will collect personal information only from the individual concerned.

In circumstances where an individual has applied for recognition of overseas qualifications, ANMAC may collect some personal information from:

- Overseas government departments and authorities
- Overseas educational institutions
- Overseas hospitals and health providers
- Other overseas organisations and institutions
- ANMAC's related entities
- The individual's past and/or present employer

Regardless of whom ANMAC collects your personal information from; ANMAC will only collect information by lawful and fair means and not in an unreasonably intrusive way.

Individuals should be aware that when necessary ANMAC may ask a migration agent to collect an individual's personal information in relation to the assessment of their overseas qualifications.

At or before the time (or, if that is not practicable, as soon as practicable after) ANMAC collects personal information, whether from that individual or another source, ANMAC will take reasonable steps to ensure the individual is aware of:

- ANMAC's identity and how to contact it
- the fact that he or she is able to gain access to the information
- the purposes for which the information is collected
- the organisations to which ANMAC usually discloses information of that kind
- any law that requires the particular information to be collected
- the main consequences (if any) for the individual if all or part of the information is not provided

ANMAC will not take the abovementioned steps if informing the individual of these matters would pose a serious threat to the life or health of any individual.

## Use and Disclosure of Information

ANMAC will only use or disclose personal information about an individual for the primary purpose for which it was collected. ANMAC will only use or disclose collected information for a secondary purpose if:

1. both of the following apply:
  - i. the secondary purpose is related to the primary Purpose of collection and, if the personal information is sensitive information, directly related to the primary Purpose of collection;
  - ii. the individual would reasonably expect or has been told that it is standard for ANMAC to use or disclose the information to the relevant individuals, government agencies, organisations or bodies; or
2. the individual has consented; or
3. it is required or authorised by or under law; or
4. ANMAC reasonably believes that it is necessary to lessen or prevent a serious and imminent threat to an individual's life, health or safety; or
5. it is reasonably necessary for the enforcement of the criminal law; or
6. otherwise in accordance with the National Privacy Principles.

Personal information will not be given to government agencies, organisations or bodies unless one of the abovementioned exemptions to non-disclosure applies. Notwithstanding the duty of confidentiality imposed on ANMAC by the National Law, disclosure is permitted in situations where:

- the information is de-identified
- the information has already been made public
- the information is for workforce planning
- the information is for information management and communication purposes

- the information is disclosed to other Commonwealth, State or Territory bodies including the Department of Immigration and Citizenship, the National Office of Overseas Recognition (NOOSR) and IELTS Australia
- the information is disclosed to registration authorities; or
- otherwise in accordance with the National Privacy Principles

## Data Quality

ANMAC will take all reasonable steps to ensure that the quality of the personal information it collects uses or discloses is accurate, complete and up-to-date.

## Data Security

ANMAC will take reasonable steps to protect the personal information it holds from loss and misuse and from unauthorised access, modification or disclosure.

When personal information held by ANMAC is no longer required for any authorised use or disclosure, ANMAC will take reasonable steps to ensure the information is securely destroyed, deleted or permanently de-identified.

## Access to Information

Upon request from an individual, ANMAC will take reasonable steps to inform the individual about the type of personal information it holds, for what reasons, and how it collects, holds, uses and discloses that information.

Access may be sought by a request in writing to:

The Chief Executive Officer  
 Australian Nursing & Midwifery Accreditation Council  
 GPO Box 400  
 Canberra City ACT 2601

Access to some personal information may also be gained by making an application pursuant to the Freedom of Information Act 1982 (Cth) (FOI Act). The FOI Act can be accessed here <http://www.comlaw.gov.au>.

ANMAC will be entitled to withhold the information in accordance with the Privacy Act and the FOI Act in circumstances where:

- providing access would pose a serious and imminent threat to the life or health of any individual; or
- providing access would have an unreasonable impact upon the privacy of other individuals; or
- the request for access is frivolous or vexatious; or
- the information relates to existing or anticipated legal proceedings between ANMAC and the individual, and the information would not be accessible by the process of discovery in those proceedings; or
- providing access would be unlawful; or
- denying access is required or authorised by or under law; or



- providing access would be likely to prejudice an investigation of possible unlawful activity; or
- otherwise in accordance with the National Privacy Principles.

## Quality of Information

If ANMAC holds personal information about an individual and an individual is able to establish that the information is not accurate, complete and up-to-date, ANMAC will take reasonable steps to correct the personal information so that it is accurate, complete and up-to-date.

If ANMAC disagrees with an individual about whether the information is accurate, complete and up-to-date, and the individual requests ANMAC to associate with that information a statement claiming that the information is not accurate, complete or up-to-date, ANMAC must take reasonable steps to do so.

To seek a correction to personal information held by ANMAC, a request in writing may be made to:

The Chief Executive Officer  
 Australian Nursing & Midwifery Accreditation Council  
 GPO Box 400  
 Canberra City ACT 2601

## Identifiers

If, in the process of collecting information about an individual, ANMAC assigns that individual an identifier, ANMAC will use its own identifier for that individual and not an identifier that has been assigned by an agency or a contracted service provider for a Commonwealth contract unless it is required to do so by law or in accordance with the National Privacy Principles.

**Identifier** includes a number assigned by an organisation to an individual to identify uniquely the individual for the purposes of the organisation's operations.

## Anonymity

Wherever it is lawful and practicable, individuals have the option of remaining anonymous when entering transactions with ANMAC. This includes when making a notification to ANMAC under the National Law, but at times it will be impossible to investigate a notification if the notifier is anonymous.

## Changes to Privacy Policy

ANMAC reserves the right to review and revise its Privacy Policy from time to time as necessary. Changes to the policy will be published on the ANMAC website [www.anmac.org.au](http://www.anmac.org.au)

## Transborder Data Flow

ANMAC may transfer personal information to someone who is in a foreign country only if:

- ANMAC reasonably believes that the transferee of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the National Privacy Principles; or
- the individual consents; or

- it is necessary to perform a contract between the individual and the organisation or to perform a contract in the individual's interest between the organisation and a third party; or
- the transfer is for the individual's benefit, it is impracticable to obtain the individual's consent and if it were practicable, the individual would likely give that consent; or
- ANMAC has taken reasonable steps to ensure those to whom it transfers the personal information will not hold, use or disclose the information inconsistently with the National Privacy Principles

## Sensitive Information

ANMAC will only collect sensitive information about an individual if one of the following circumstances applies:

- the individual has consented; or
- the collection is required by law; or
- the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

ANMAC may collect health information about an individual if:

- the information is necessary to provide a health service to an individual; and
- the information is collected as required or authorised by or under law or in accordance with binding rules established by competent health bodies that deal with obligations of professional confidentiality.

If ANMAC collects any health information about an individual it will take reasonable steps to permanently de-identify the information before it is disclosed to any other individual or organisation.

## Complaints

An individual may make a complaint to ANMAC if he or she believes that their personal information has not been handled in accordance with the National Law or the Privacy Act. An individual may alternatively wish to raise their concerns with the National Health Practitioner Privacy Commissioner.

The National Health Practitioner Privacy Commissioner may be contacted at:

30/570 Bourke Street  
 Melbourne Vic 3000  
 Ph: 03 86015234  
 Fax: 03 86015895  
 Email: [nhpombudsmanprivacy@health.vic.gov.au](mailto:nhpombudsmanprivacy@health.vic.gov.au)

## Further Information

### Applicable Legislation and Regulations

- Health Practitioner Regulation National Law Act 2009 (ACT) and as enacted in each State and Territory

- Health Practitioner Regulation National Law Regulation 2010 (ACT) and as enacted in each State and Territory
- [Privacy Act 1988](#) (Cth)